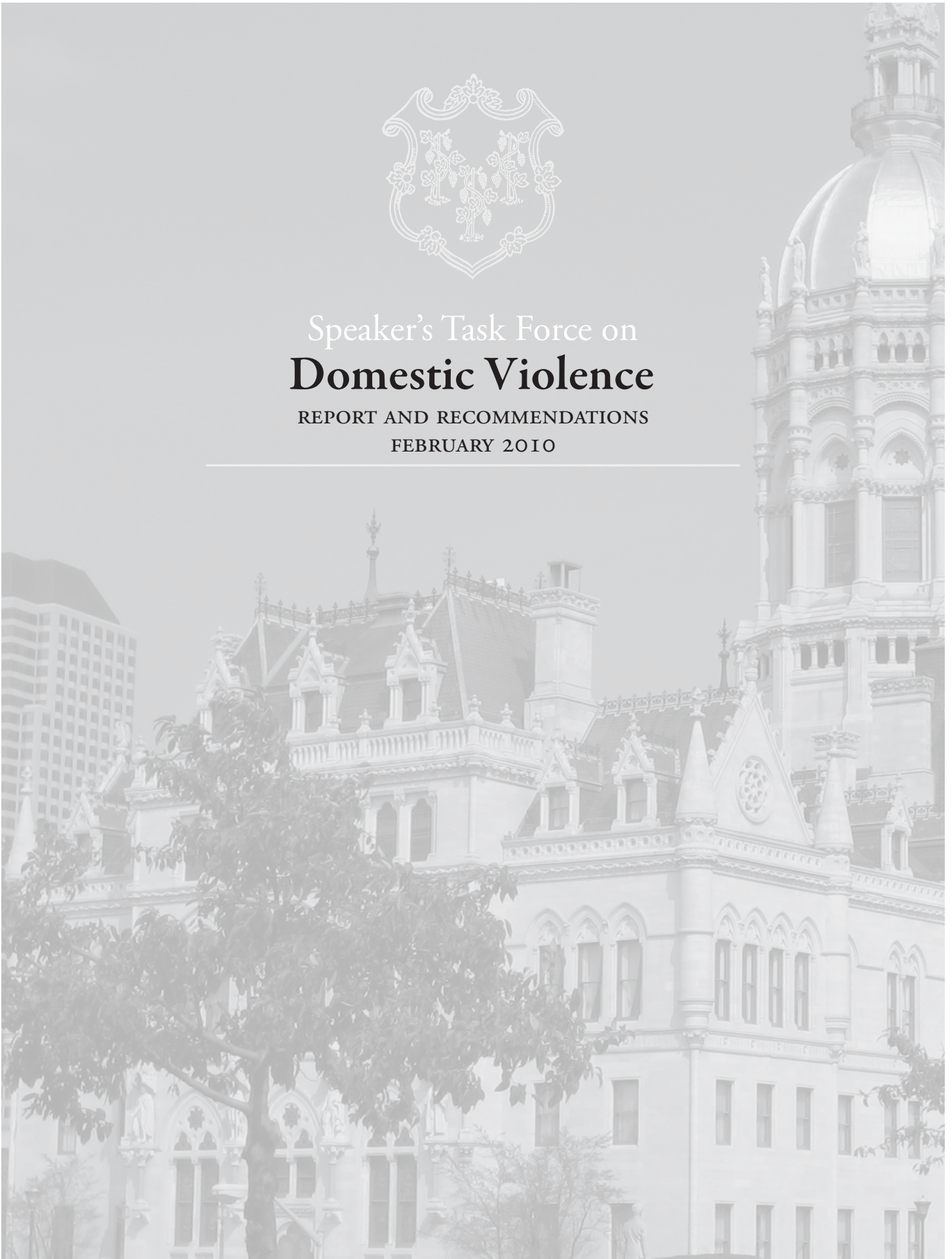




Speaker's Task Force on  
**Domestic Violence**  
REPORT AND RECOMMENDATIONS  
FEBRUARY 2010

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# **SPEAKER'S TASK FORCE ON DOMESTIC VIOLENCE**

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## **Preliminary Report & Legislative Recommendations**

**Submitted February 8, 2010**

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## **Overview**

In November 2009 Speaker of the House Christopher G. Donovan convened a bipartisan bicameral legislative task force to improve Connecticut's response to incidents of domestic violence. As more and more families are experiencing unexpected job losses and financial pressures, the need for victims' support services, an effective legal system, and programs aimed at prevention and early intervention have increased. The increased demand placed on domestic violence programs and several recent high profile domestic violence cases have exposed gaps in the system and areas that need improvement.

Enclosed is a summary of the task force's work, findings, and preliminary recommendations for legislation for the 2010 session.

## **Introduction**

Since Speaker Donovan announced the formation of the task force on November 6, the group has held four meetings, several work group sessions, and heard formal and informal testimony from dozens of advocates, survivors, law enforcement officers, support service providers, and state agency staff on the parts of the system that are working and what needs improvement.

Considering the state's current budget challenges, the task force has kept the state's financial situation in mind as it has explored meaningful solutions to the problems it identified. Although the enclosed recommendations have not been thoroughly reviewed by the General Assembly's non-partisan Office of Fiscal Analysis, most of the proposals contained in this report will move the state forward in addressing the problem of domestic violence at minimal or no cost.

The group has also included a list of potential long-term solutions to prevent domestic violence and protect and support survivors and their families. Some of these items carry a fiscal impact, and several of them need further investigation, which the task force will undertake as it prepares its second set of recommendations prior to the 2011 legislative session.



## Findings

According to recent reports, at least 50,000 people become victims of domestic violence in Connecticut each year. In addition, roughly one-third of aggravated assaults in Hartford are related to domestic violence. But suburban and rural communities are not immune from the effects of family violence—it crosses all boundaries without regard to region, socioeconomic status, age, or culture. Service providers report that since the start of the economic downturn, the number of individuals who need services has increased as families face mounting financial pressure. Exposure to family violence can have a long term impact on children, who may experience disruptions in their education and living situations, depression, anxiety and other mental health issues. Further, recent studies have shown strong correlations between exposure to traumatic events in childhood and violent behavior in adulthood. The need for changes to Connecticut's systems for dealing with domestic violence is urgent.

### Law Enforcement and Judicial Infrastructure

When trying to exit a violent situation and obtain services and protections for themselves, many survivors of domestic violence report that the processes and procedures they navigate as they seek legal protection and support services are fragmented, confusing and not user-friendly.

A number of state and local agencies are involved with domestic violence cases. Local police officers and state troopers are the first to respond to calls for help. If a crime has been committed and an offender is arrested, a judge can issue a protective order as a condition of release, limiting an offender's contact with the victim. Protective orders are issued in criminal court. If no crime has been committed, victims can request restraining orders in family (civil) court.

If children are present in a family violence situation, the police may make a referral to the Department of Children and Families (DCF), to monitor the safety of the children. DCF's policy is to prioritize keeping the children with the non-offending parent, but the Department may remove children from the parent's custody if it deems their safety is compromised.

When victims are involved in court proceedings, family violence victim advocates are available to guide them through the court process and make referrals to support services. The Judicial Branch Court Support Services Division, Family Services gathers information about the case and makes recommendations to the prosecutors and judges about how the court should proceed. Penalties include probation, jail time, or participation in a family violence or substance abuse treatment programs.

Dedicated domestic violence dockets are fully operational in seven criminal court locations (Bridgeport, New Britain, New Haven, New London, Norwalk, Stamford, and Waterbury) and are in the process of being implemented in Derby and Hartford. Domestic violence dockets use a multidisciplinary team approach and include a dedicated state's attorney, family violence victim advocates, family relations counselors, probation officers, service-provider representatives, law enforcement personnel, and judges. Team members share information and provide recommendations to the court.



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#### **Prevention & Intervention Services**

Although the state Department of Education has developed a comprehensive school health education curriculum, which promotes healthy relationships, the state does not require students to take health education in order to graduate. At least 20 out of 180 high schools do not require it (14%). Some districts bring community domestic violence educators into the classroom to teach students about family and teen dating violence prevention. However, class time and school resources make their contact with students sporadic and they are unable to thoroughly train teachers. Southern Connecticut State University (SCSU) has developed a team approach to domestic violence and sexual assault education and victim services, which addresses the unique issues faced on a college campus. SCSU recently received federal dollars to work with other Connecticut universities to develop similar programs, but the university approach may not work at the secondary school level.

Health care providers are well-positioned to play a key role in prevention and early intervention services. Hartford Hospital's Domestic Violence Prevention Program trains its clinicians to screen for symptoms of domestic violence (i.e. fatigue, post-traumatic stress disorder, anxiety) and the indirect impact it has on the health of patients such as engaging in high risk behaviors, difficulty managing routine health and chronic conditions. The program also trains providers to document medical charts in order to establish a paper trail, in the event that it is needed as evidence, and has social workers on hand to assist victims and provide referrals to support services.

Numerous community programs exist to assist victims of domestic violence. There are 18 regional programs that provide community education, family violence victim advocate court services, service referrals, temporary emergency shelter, individual counseling, support groups, assistance with safety planning and hotline crisis intervention services. Funding for these services comes from federal and private grants, the state Judicial Department, and the state Department of Social Services.

A portion of the Department of Social Services (DSS) funding for these programs is derived from the \$20 surcharge assessed on all marriage licenses issued in Connecticut. By statute, \$1 of the surcharge is returned to the municipality where the couple received the license, and the remaining \$19 is split between the Department of Social Services for domestic violence services and the Department of Public Health for sexual assault services. In fiscal year 2009, the domestic violence account at DSS exceeded \$1 million, but the regional domestic violence agencies report that the department did not distribute the funds in a timely manner.

For several years domestic violence advocates have pushed for on-site staffing of emergency shelters 24 hours a day, 7 days a week, so that women and children who have just exited traumatic situations and are arriving at shelters after hours can receive immediate support. Until recently, only two of the 18 regional programs were able to provide 24 hour coverage. This fall, five additional programs received stimulus funding to temporarily bring them up to 24 hour coverage. Currently, coverage varies from location to location and many of the programs who are able to offer higher levels of coverage do so because they secured additional funding for that purpose.

The task force's work also touched upon the issue of domestic violence among older adults, who are often overlooked in broader discussions of the family violence problem. Older adults, particularly women, may experience physical, financial and sexual abuse by a family member or someone they know. Older people in abusive situations may have limited resources and be dependent on others for financial support, transportation, access to health care and other vital services. They may have special physical or mental health needs and be unable or reluctant to seek outside help, and as a result older victims are more likely to experience persistent domestic violence.



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The task force also identified the availability of secure affordable housing as a need for victims of domestic violence. According to the National Alliance to End Homelessness, in a national survey of people experiencing homelessness, domestic violence was the second most frequently stated cause of homelessness, with 13% of families surveyed indicating they left their last place of residence because of household abuse or violence. Shelters provide emergency and temporary housing for victims who have no other safe options, but finding quality, affordable, permanent housing is out of reach for many. Under the federal Violence Against Women Act (VAWA) victims of domestic violence cannot be evicted or denied federal public housing because they are victims. VAWA also allows local housing authorities to give a preference to victims of domestic violence. Currently, eligible low income individuals, including domestic violence victims, may apply for Federal Section 8 Housing Vouchers, the state's Rental Assistance Program (RAP), federal Family Unification vouchers, and supportive housing.



## Recommendations

The task force has divided its recommendations into four sections: Human Services, Judicial, Education and Recommendations for Future Consideration.

### Human Services

- **Staffing at domestic violence shelters**

For years advocates have asked the legislature for additional funding to expand staffing coverage at the state's domestic violence emergency shelters. Several shelters have secured stimulus funds to temporarily provide these services in light of caseload increases.

**Recommendation:** Bring all shelters up to 24/7 coverage.

- **Distribution of marriage license surcharge**

Advocates have indicated that the Department of Social Services has not distributed the revenue collected from the Marriage License Surcharge to domestic violence shelters in a timely manner.

**Recommendation:** Require DSS to transfer these funds to these programs on an annual basis.

- **Loosening the penalties for victims who need to break their leases for safety reasons**

Victims report that one of the barriers to maintaining safe housing is that if they break their leases to move to a location where the offender cannot locate them, they will lose their security deposits and be unable to afford alternate housing.

**Recommendation:** Permit victims who are in good standing with their landlords to incur a lower penalty for breaking their lease, if they satisfy certain certification requirements, by providing documentation from the police, court records, an attorney, service or medical provider.

### Education

- **Inclusion of teen dating and domestic violence in school curriculums and professional development opportunities**

Currently teen dating and domestic violence are not included as part of the uniform curriculum offered by Connecticut schools or as part of the areas of in-service training programs in professional development.

**Recommendation:** Add teen dating and domestic violence to the list of subject areas included in the curriculum and expand in-service training to include these subject areas so that educators and staff can receive training in how to identify and respond to warning signs of teen dating violence. These programs could be provided with the help of community educators. The curriculum has already been developed by the state Department of Education.



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- **Public Service Announcements**

State agencies typically have funding for public service announcements. Public service announcements can be targeted to raise awareness about domestic and teen dating violence.

**Recommendation:** Use existing agency allocations for public service announcements aimed at preventing domestic violence.

## Judiciary

- **Improving information sharing in family violence cases**

A variety of agencies are involved in family violence cases, but current statutes limit their ability to share information that could be used to prevent further harm to victims.

**Recommendation:** Permit information sharing, on a limited basis, among law enforcement, the Department of Children and Families, and the different offices of the Judicial Branch, including family services, and probation officers, when they are involved with a defendant.

- **Strengthening enforcement of restraining and protective orders**

Recent news reports and testimony presented to the committee have raised concerns about the effectiveness of restraining and protective orders in keeping offenders away from their victims.

**Recommendation:** A number of states use GPS technology in domestic violence cases to alert a victim and law enforcement when a person against whom they have a protective or restraining order is nearby. Connecticut already uses GPS monitoring for certain crimes. According to the Judicial Branch, the cost of this monitoring is \$25 per day and in order to minimize cost to the state, defendants could be required to bear this cost (which is similar to current law regarding ignition interlock devices).

- **Extending the persistent offender look back period**

The current look back period for previous offenses is five years and only covers in-state offenses. If an offender committed offenses outside of that five year period, or out-of-state they would not be considered for penalty purposes.

**Recommendation:** Extend the look back from five to ten years and include out-of-state offenses.

- **Ensuring the Judicial Branch has the resources necessary to fulfill its mission**

The task force was pleased to learn last fall that the Administration was able to find funding for the Judicial Branch to continue to support family violence victim advocates. These individuals guide victims through the court process and connect them with support services.

**Recommendation:** Ensure the Judicial Branch has the resources it needs to provide victim services, effectively prosecute offenders, and respond to requests for protection in a timely manner.





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- **Improving the enforcement of protective orders**

Because the format of protective orders varies from state to state, although Connecticut's orders have full faith and credit with other states, they may not be easily recognized by law enforcement, hindering the security victims receive under protective orders.

**Recommendation:** Make technical amendments to the protective order statute to facilitate Connecticut's participation in Project Passport, a nationwide initiative of the National Center for State Courts, which encourages states and other jurisdictions to adopt a uniform first page for protective orders. Currently 31 states and the District of Columbia participate in the program, which gives Connecticut's protected persons who travel to other states some assurance that orders will be recognized.

- **Sharing of information in the protective order registry**

Current statute is unclear as to whether civil and criminal judges determining what type of protection should be ordered can access information on previous or current protective orders.

**Recommendation:** Clarify current law so that information in the protective order registry be made available to judges so that they can determine an appropriate course of protection based on the defendant's history.

- **Improving protections for employees**

Victims of domestic violence are often overwhelmed by tasks necessary to ensure their safety and well-being, including court appearances, relocation, medical and mental health services.

**Recommendation:** Permit victims, under certain circumstances, to use sick time to take care of domestic violence-related responsibilities and protect victims from employment discrimination based on their status as a victim.

- **Making the judicial process more user-friendly for domestic violence survivors**

The task force has received reports from survivors and advocates that victims are often discouraged by the complexity of the court process and report instances where court support staff was not available or responsive to requests for assistance. The Judicial Branch reports that it is making efforts to provide better training and instruction to staff on how to interact and assist victims.

**Recommendation:** The task force appreciates the Judicial Branch's responsiveness to these concerns and encourages the branch to increase the availability of service centers in clerks' offices to assist domestic violence victims and others with court paperwork.

- **Encouraging the Judicial Branch to develop additional domestic violence dockets**

The task force has identified dedicated domestic violence dockets as an effective tool for ensuring appropriate treatment of defendants and victims in domestic violence cases. The team approach permits judges, attorneys, judicial branch staff, service providers and law enforcement to share information and make appropriate recommendations to the court on effective penalties.

**Recommendation:** Encourage the Chief Court Administrator and Judicial Branch to develop domestic



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violence dockets in the 11 remaining criminal courts that have not yet begun creating them.

- **Further examination of penalties for criminal threatening**

The committee has heard testimony that indicates that threatening is a risk factor for serious domestic violence offenses. Often offenders are sent to treatment programs, sometimes several times, for convictions of threatening, and later commit crimes involving physical abuse.

**Recommendation:** Noting that threatening behavior may be a warning sign of serious abuse, a further examination of the effectiveness of the penalties for this offense, and whether or not stronger penalties would be appropriate is warranted.

#### Recommendations for Future Consideration

- Develop a one stop-shopping model for victims services and referrals.
- Strengthen violence-related trauma services offered to children.
- Examine DCF protocols for treatment of victims and their families.
- Implementation of Rhode Island's model law, the Lindsay Ann Burke Act, as it may pertain to Connecticut, to strengthen professional development training for school faculty and staff, encourage statewide use of a uniform healthy relationships curriculum, and adoption of dating violence policies across school districts.
- Examine methods by which restraining orders are served by state marshals.
- Consider changes to the bail bond system that would tighten the requirements for release of offenders.
- Examine the family violence service needs of the elderly community.
- Strengthen law enforcement domestic violence response units.
- Further explore social issues that influence domestic violence, including the availability of housing, job training, day care, and health care.



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